

**Nos. 22-4735, 22-4736**

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

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**UNITED STATES OF AMERICA,**

**APPELLEE,**

**v.**

**IZZAT FREITEKH AND TARIK FREITEKH,**

**DEFENDANTS-APPELLANTS**

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**ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA,  
D. Ct. No. 3:20-CR-435 (HON. FRANK D. WHITNEY)**

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**GOVERNMENT'S UNOPPOSED MOTION FOR A 21-DAY  
EXTENSION OF TIME TO FILE ITS ANSWERING BRIEF AND FOR  
PERMISSION TO EXCEED THE WORD LIMIT**

Pursuant to Federal Rules of Appellate Procedure 26 and 32(e) and Fourth Circuit Rules 31(c) and 32(b), the United States respectfully moves, with the consent of counsel for the defendants-appellants, for a 21-day extension of time, up to and including November 9, 2023, to file its answering brief, and for permission to file an answering brief containing up to 20,000 words. As explained below, there is substantial need for the relief requested in this motion.

1. After a jury trial in the Western District of North Carolina, defendant Izzat Freitekh was convicted on one count of conspiring to commit money laundering, in violation of 18 U.S.C. 1956(h) and 1957(a); three counts of money laundering, in violation of 18 U.S.C. 1957(a); and one count of making false statements to the government, in violation of 18 U.S.C. 1001. His co-defendant, Tarik Freitekh, was convicted on one count of conspiring to commit wire fraud, in violation of 18 U.S.C. 1343 and 1349; one count of bank fraud, in violation of 18 U.S.C. 1344; one count of conspiring to commit money laundering, in violation of 18 U.S.C. 1956(h) and 1957(a); one count of money laundering, in violation of 18 U.S.C. 1957(a); and one count of making false statements to the government, in violation of 18 U.S.C. 1001. They were sentenced to 48 and 87 months of imprisonment, respectively, to be followed by three years of supervised release.

2. Defendants filed their opening briefs on August 29, 2023. The government's answering brief is presently due on October 19, 2023. The government has received one prior extension of time to file its answering brief. Defendants received three extensions of time to file their opening briefs, in addition to one suspension of the briefing schedule.

3. This case was initially handled by the United States Attorney's Office for the Western District of North Carolina and the Fraud Section of the Department of Justice's Criminal Division. Responsibility for the case was then transferred to the Appellate Section of the Criminal Division of the Department of Justice, and it was assigned to me. I did not represent the United States before the district court and therefore had no prior familiarity with this case.

4. Defendants have filed separate briefs totaling about 20,000 words and presenting at least eight claims for relief, as well as an appendix exceeding 3,000 pages. Although I have reviewed these materials and begun drafting the government's answering brief, I will require additional time and a greater word-count allotment to prepare a brief that would be most helpful to the Court's resolution of these appeals.

5. Between the time I received defendants' opening briefs and the current due date of the government's brief, I have been and will be occupied with other criminal matters, including preparing for oral argument before this Court in *United States v. Newby*, No. 21-4018 (argued on September 22, 2023); preparing for oral argument before the Tenth Circuit in *United States v. Hay*,

No. 22-3276 (scheduled for November 16, 2023), preparing two briefs in opposition to petitions for certiorari in the Supreme Court; and various other criminal matters.

6. With a 21-day extension of time, the government's answering brief would be due on Thursday, November 9, 2023.

7. Counsel for each defendant stated on October 10, 2023, that they have no objection to the granting of this extension of time or to the government's submission of an answering brief of up to 20,000 words.

Accordingly, the United States requests that the Court enter an order allowing the government an additional 21 days to file its answering brief, up to and including November 9, 2023, and granting the government permission to file an answering brief of up to 20,000 words.

October 11, 2023

Respectfully submitted,

s/ Kevin Barber

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## CERTIFICATE OF COMPLIANCE

1. This motion complies with the length limitations of Federal Rule of Appellate Procedure 27(d)(2)(A) because it contains 617 words, excluding the portions exempted by Federal Rules of Appellate Procedure 27(a)(2)(B) and 32(f).

2. This motion complies with the typeface requirements of Federal Rule of Appellate Procedure 27(d)(1)(E) and Federal Rule of Appellate Procedure 32(a)(5) and (6) because it has been prepared in a proportionally spaced 14-point typeface using Microsoft Word.

3. The electronic submission of this motion was scanned for viruses with the most recent version of a commercial virus scanning program, McAfee Endpoint Security version 10.7, which is updated continuously, and, according to the program, is free of viruses.

4. This motion complies with all required privacy redactions, if any.

s/ Kevin Barber

Kevin Barber

**CERTIFICATE OF SERVICE**

I hereby certify that on October 11, 2023, I electronically filed the foregoing Government's Unopposed Motion for a 21-Day Extension of Time To File Its Answering Brief and for Permission To Exceed the Word Limit with the Clerk of the Court of the U.S. Court of Appeals for the Fourth Circuit using the appellate CM/ECF system, which will send a Notice of Electronic Filing to all registered CM/ECF users in this case.

s/ Kevin Barber

Kevin Barber